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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

FEB 3 1992

92-9

Docket's  
222

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FEB 6 - 1992

Federal Communications Commission  
Office of the Secretary

EX PARTE OR LATE FILED

Honorable James H. Scheuer  
House of Representatives  
2221 Rayburn House Office Building  
Washington, DC 20515-3208

Dear Congressman Scheuer:

Thank you for your letter expressing concern regarding proposals to reallocate frequencies at 2 GHz that might impact the current users of those frequencies, including railroads.

On January 16, 1992, the Commission adopted a Notice of Proposed Rule Making (Notice) in ET Docket No. 92-9 that proposes allocating 220 MHz of 2 GHz spectrum for use by providers of emerging technologies. With regard to licensees currently using portions of this spectrum, the Commission proposed to permit state and local government licensees, including public safety agencies, to continue indefinitely their current operations on a primary basis. Other users would be permitted to continue their current operations on a primary basis for a period of time to be established -- such as 10 or 15 years -- and then permitted to continue operating only on a secondary basis. Expansion and new microwave systems also would be permitted only on a secondary basis in this band. Expansion and new systems on a primary basis would be permitted at higher frequencies. In conjunction with the Notice, the Commission will release a staff study of existing use of this spectrum and identify other suitable frequencies available for this purpose. To further facilitate accommodation of the competing demands for this spectrum, the Commission also proposed to permit negotiation of financial arrangements between existing licensees and parties proposing new services that would facilitate access to this spectrum for services employing emerging technologies.

These provisions are intended to prevent disruption to the communications of the existing licensees, yet still provide the spectrum needed by U.S. companies to develop new and innovative telecommunications products and services and bolster U.S. competitiveness in world telecommunications markets. An example of one such new proposed service is the personal communications service (PCS), which the Commission is addressing concurrently in GEN Docket No. 90-314.

The need of the existing users of 2 GHz for reliable communication is of importance to the Commission, and is being taken carefully into consideration. The concerns of the railroad industry will be taken into

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Honorable James H. Scheuer

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account before a final determination is made, and for that purpose, I am making his letter part of the record in the two dockets discussed above, ET Docket No. 92-9 and GEN Docket No. 90-314.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred C. Sikes". The signature is stylized with a large initial "A" and a long horizontal stroke extending to the right.

Alfred C. Sikes  
Chairman

JAMES H. SCHEUER  
8TH DISTRICT, NEW YORK

2221 RAYBURN BUILDING  
WASHINGTON, DC 20515  
TELEPHONE: (202) 225-5471  
FAX: (202) 225-9695

DISTRICT OFFICES:  
137-08 NORTHERN BLVD.  
FLUSHING, NY 11354  
(718) 445-8770  
FAX: (718) 445-1707

708 LYDIG AVE. #203  
BRONX, NY 10462  
(212) 823-6512

NASSAU: (516) 466-3939



Congress of the United States  
House of Representatives

January 13, 1992

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JAN 17 1992

LEGISLATIVE AFFAIRS  
OCPA

The Honorable Alfred Sikes  
Chairman  
Federal Communications Commission  
Room 814  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Sikes:

I am writing to express my concerns over possible disruptions to the telecommunications facilities of the railroad industry should the frequencies used for the microwave systems of railroads be reallocated for other purposes.

The railroad industry depends heavily upon its microwave systems in the course of providing safe and efficient rail service to the American public. The immediate concern is over the possible reallocation of the bands 1850-1990, 2130-2160, and 2180-2200 MHz. I understand that each band is being considered for mobile communications and/or mobile satellite systems. Railroads, along with other basic U.S. industries and state and local governments, use those frequency bands extensively for microwave communications.

The railroad industry's investments in these microwave systems are substantial. The cost of reaccommodating those railroad systems in other frequency bands would be great, even assuming that alternative frequencies in such other bands are available. The cost in disruption to the safe and efficient operation of the railroads would be immeasurable.

While it is not surprising that other interests desire the reallocation of spectrum for mobile telecommunications, the Commission is urged to consider other alternatives so as to avoid adverse impact on the microwave telecommunications that are so vital to basic U.S. industries. To this end your views are invited.

With every warm best wish,

Yours,

James H. Scheuer  
Member of Congress

JHS:cam